

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 18, 2006

D049001 In re Bryant on Habeas Corpus

The petition is denied.

D048942 In re Throop on Habeas Corpus

The petition is denied.

D047329 Friwat et al. v. Koo et al.

Affirmed. Irion, J. We Concur: McDonald, Acting P.J., McIntyre, J.

D046319 Rivkin et al. v. City of Carlsbad et al.

The judgment is affirmed. The defendants are entitled to costs on appeal. McConnell, P.J.;
We Concur: Benke, J., Huffman, J.

D049112 Gomez v. Gomez

Pursuant to California Rules of Court, rule 8, the appeal filed 07/26/06, is dismissed for
appellant's failure to timely designate the record.

D047882 FEH Income Properties v. Craftsmen Steel Buildings et al.

The judgment is affirmed. FEH shall recover its costs on appeal from Craftsmen. Nares, Acting
P.J.;
We Concur: McDonald, J., Irion, J.

D046701 People v. Crowder

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D048491 People v. Howard

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D047432 San Diego Unified School District v. San Diego Regional Water Quality
Control Board**

The judgment of dismissal is affirmed. Costs are awarded to Respondent. Huffman, J.;
We Concur: McConnell, P.J., Benke, J.

D047171 People v. Galindo

The portion of the judgment imposing a probation condition of restitution for Harley's vehicle in
the amount of \$10,244.10 is reversed and the matter is remanded for rehearing on the amount of
restitution. In all other respects the judgment is affirmed. McDonald, J.; We Concur: Nares,
Acting P.J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 18, 2006 (Continued)

D046772 Protax, LLC v. Prestige of Beverly Hills, Inc.

The judgment is affirmed. Protax is entitled to recover attorney fees and costs on appeal. The matter is remanded to the trial court to determine an appropriate amount. McConnell, P.J.; We Concur: Benke, J., Haller, J.

D048655 In re Brianna F. et al., Juveniles

The judgments are affirmed. Haller, J.; We Concur: Nares, Acting P.J., McDonald, J.

D049105 City of San Diego et al. v. Superior Court of San Diego County/San Diego City Employees' Retirement System

The petition is denied.

D044546 Red Mountain, LLC v. Fallbrook Public Utility District

The petition for rehearing is granted. There will be no further briefing or argument unless requested by the court.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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September 19, 2006

D048776 Herbert H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. The request for stay is denied. McConnell, P.J.; We Concur: Nares, J., McDonald, J.

D047226 People v. Adem

The judgment is affirmed. Aaron, J.; We Concur: McIntyre, J., Irion, J.

D045571 Wedbush et al. v. Pacific Bell Telephone Company et al.

The judgment in favor of Pacific Bell is reversed and the case is remanded for further proceedings consistent with the views we have expressed. The judgment in favor of SDG&E is affirmed. The Wedbushes to recover their costs of appeal from Pacific Bell; SDG&E to recover their costs of appeal from the Wedbushes. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D046999 In re the Marriage of Miller

The order is affirmed and Scott's request for an order disqualifying the trial judge is denied. Tracy is awarded her costs of appeal. McIntyre, J.; We Concur: Nares, Acting, P.J., McDonald, J.

D049129 Jordan I. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Jordan I. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

D049130 Brianickia C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Brianickia C. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

D049135 Evelania H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Evelania H. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 19, 2006 (Continued)

D049138 Irene B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Irene B. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

D048775 In re Marcelino Z., a Juvenile

The appeal is dismissed. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D047496 People v. Ravaux

The petition for rehearing is denied.

D048893 Kristina J. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied.

D046208 Doody v. Knight

The judgment is affirmed. Doody to bear Knight's costs on appeal. Haller, J.; We Concur: McConnell, P.J., Irion, J.

D048571 Dickey v. Kurosu

The appeal filed May 8, 2006, is dismissed because appellant did not timely deposit costs for preparing the record on appeal.

D047827 People v. Dowson

The judgment is affirmed. Aaron, J.; We Concur: O'Rourke, Acting P.J., Irion, J.

D048157 People v. Hawn

The judgment is affirmed. McDonald, Acting P.J.; I Concur: McIntyre, J.; I Concur in the Result: Irion, J.

D048498 In re Trinity T., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Irion, J.

D048474 Hall et al. v. Walsh

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 20, 2006

D046758 People v. Johnson

Both judgments are affirmed. Benke, J.; We Concur: McConnell, P.J., Huffman, J.

D048240 Kloetzer v. Gargurevich

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

D046424 White v. Fav, Inc.

The petition for rehearing is denied.

D049002 In re Muhammad on Habeas Corpus

The petition is denied.

D049304 Darnell G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Darnell G. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

D048903 In re Smith on Habeas Corpus

The petition is denied.

D049057 In re Johnson on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 21, 2006

D047616 Western Pet Wholesalers, Inc. v. Natura Pet Products, Inc.

Judgment affirmed. Respondent to recover its costs. Benke, J.; We Concur: McConnell, P.J., Haller, J.

D046879 People v. White

The judgment is modified by striking the following conditions of probation imposed by the trial court at the July 12, 2005 revocation hearing: Defendant may not associate with any persons who have firearms or weapons in their possession and not use or possess any weapon; and must comply with any curfew, if so directed by his probation officer.

In addition, the balance of the additional "gang conditions" imposed at the July 12, 2005 hearing are modified to read as follows:

Defendant may not associate with anyone known to him to be a 5/9 Brim gang member or person associated with the 5/9 Brim gang, with the exception of his family members; may not knowingly wear, display, use or possess any 5/9 Brim gang insignias, emblems, badges, buttons, caps, hats, jackets, shoes, or any other clothing, which evidences affiliation with 5/9 Brim; and may not knowingly display any 5/9 Brim signs or gestures.

Except to the extent of this modification to the conditions of probation imposed upon appellant at the July 12, 2005 revocation hearing, the judgment is affirmed. Irion, J.; We Concur: McIntyre, Acting, P.J., O'Rourke, J.

D047363 People v. Caballero

Sentence on count three is stayed. In all other respects the judgment is affirmed. Benke, J.; I Concur: McConnell, P.J., I Concur in the Result: Huffman, J.

D048295 People v. Riskas

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

D048792 In re Cora P., a Juvenile

The appeal is dismissed. McIntyre, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D046188 De Leon v. Jenkins/San Diego County Department of Child Support Services

The order is affirmed. CERTIFIED FOR PUBLICATION Irion, J.; We Concur: McConnell, P.J., O'Rourke, J.

D047487 Hudacko et al. v. Stanly

The order is reversed. Appellants are entitled to their costs on appeal. McIntyre, Acting P.J.; We Concur: Aaron, J., Irion, J.

D047928 People v. Bonas

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 21, 2006 (Continued)

D047344 Estate of Richardson

Appellant's request for reconsideration of her August 23, 2006, request for an extension of 120 days in which to file her appellant's opening brief is denied.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal filed on October 3, 2005, is dismissed.

**D049386 San Diego-Imperial Counties Development Services, Inc. v. Superior Court
of San Diego County/Fuess**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 22, 2006

D049202 Ewing v. Ewing

The appeal filed August 9, 2006, is dismissed because appellant did not timely deposit costs for preparing the record on appeal.

D047843 People v. Callies

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D047004 Thornburg v. El Centro Regional Medical Center

Judgment reversed. Appellant to recover her costs. CERTIFIED FOR PUBLICATION. Benke, J., We Concur: McConnell, P.J., Haller, J.

D047115 American Meat Institute et al. v. Leeman

It is ordered that the opinion filed on August 31, 2006, is modified. No change in judgment. The petition for rehearing is denied.

D048391 People v. Bolding

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D048961 Conservatorship of the Person of Sunshine A.

The appeal filed on June 22, 2006, is dismissed and the clerk is directed to immediately issue the remittitur.

D049154 Bryant v. Superior Court of San Diego County/People

In response to petitioner's request for clarification, the court's order of September 5, 2006, correctly states:

"Petitioner's counsel may file a supplemental petition within 30 days after appointment. The supplemental petition should focus on the following questions:

"1. Whether the trial court properly denied petitioner's request for: (a) the name of the **person** who purportedly authored the rules violation report (CDC 115) for Office Silva, and (b) for any other incident-related reports **that person** may have authored..."(Emphasis added.)

The term "incident-related reports" in subpart (b) means reports related to the incident upon which the charges against petitioner are predicated.